

NO. PD – 1079 – 19

WILBER ULISES MOLINA	§	IN THE COURT	FILED
	§		COURT OF CRIMINAL APPEALS
Applicant,	§		7/15/2020
	§		DEANA WILLIAMSON, CLERK
vs.	§	OF CRIMINAL APPEALS	
	§		
THE STATE OF TEXAS	§		
	§		
Respondent.	§	FOR TEXAS	

**APPLICANT’S UNOPPOSED SECOND MOTION FOR EXTENSION OF TIME  
TO FILE BRIEF**

TO THE HONORABLE JUSTICES OF SAID COURT:

COMES NOW Wilber Ulises Molina as Applicant, through counsel of record Derek H. Deyon, and files this Second Unopposed First Motion for Extension of Time to File Brief. Petitioner is The State of Texas.

1. On May 6, 2020, this honorable court granted Applicant’s Petition for Discretionary Review and ordered that Applicant submit Applicant’s brief within 30 days. The first deadline for Applicant to file his brief expired on June 5, 2020. The court granted Applicant’s Unopposed First Motion for Extension of Time to File Brief and set the new deadline for July 6, 2020.

2. Applicant seeks a second extension until Monday, July 20, 2020 because Applicant’s counsel just completed a two – week Covid – 19 quarantine and did not have access to the proper tools to complete Applicant’s brief. Exhibit A. For these reasons, Applicant respectfully requests that this honorable court extend the time for

Applicant to submit his brief until Monday, July 20, 2020.

RESPECTFULLY SUBMITTED,

THE DEYON LAW GROUP, PLLC

*/s/Derek H. Deyon*

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Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2020, a true and correct copy of the foregoing document was served on all counsel of record to:

The State of Texas  
Kim Ogg  
Harris County District Attorney  
Dan McCrory, Chris Handley, and William  
Harris County Assistant District Attorneys  
500 Jefferson Street, Suite 600  
Houston, Texas 77002  
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[mccrory\\_daniel@dao.hctx.net](mailto:mccrory_daniel@dao.hctx.net)  
Via Regular U.S. mail, e – service, and fax.

*/s/Derek H. Deyon*

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DEREK H. DEYON

**CERTIFICATE OF CONFERENCE**

I hereby certify that I conferenced with counsel for Respondent on July 15, 2020, *via* email and further certify that Respondent is unopposed to this motion.

*/s/ Derek H. Deyon*

\_\_\_\_\_  
DEREK H. DEYON

# EXHIBIT A





Derek Deyon &lt;ddeyon.mck@gmail.com&gt;

**\*URGENT - COVID-19 UPDATE \***

1 message

Clemetric Frazier &lt;cfrazier.law@gmail.com&gt;

Tue, Jun 30, 2020 at 4:31 PM

To: Andora Miller <andoramiller2016@gmail.com>, Ari Tolliver <atolliver2018@gmail.com>, Mary Snyder <msnyder.mck@gmail.com>, Sara Dortlon <sdortlon.mck@gmail.com>, "egonzalez.mck" <egonzalez.mck@gmail.com>, Davonica Wallace <dwallace.mck@gmail.com>, katelyn miller <kmiller.mck@gmail.com>, Derek Deyon <ddeyon.mck@gmail.com>, john ohrt <jcohort@gmail.com>  
Cc: Craig McClelland <craigjmcclelland@gmail.com>, Hugh McKenney <hughleslie@hotmail.com>

Hello everyone,

As you are all now aware, an employee in our firm has tested positive for Covid-19. Any individual that had direct contact with the infected individual has been contacted and asked to self-quarantine for a period of 14 days, beginning today. While this may seem excessive, please understand that we are following the guidelines recommended by the CDC which are designed to account for varying periods of incubation, which could be as little as 2-5 days or as long as 6-14 days. For instance, someone could get tested 5 days after being in contact with an infected individual and test negative. However they could start exhibiting symptoms and become positive several days after that. During that time, they may infect others, and that is why we are requiring the 14 days of self-quarantine after direct contact with an infected individual.

Please note that disclosing an employee's name and positive test result is against the law. It is considered private health information (PHI) under both ADA (Americans with Disabilities Act) and HIPAA (Health Insurance Portability and Accountability Act). Should the infected employee choose to tell other employees, that is the infected individual's right. If the positive employee comes to you to report, you should not disclose this information to any other employees.

As far as a positive testing employee returning to work, we will require 1) the infected employee has been symptom free for 3 days AND it has been at least 7 days since symptoms appeared, or a negative test result. We encourage the employee to be re-tested, but we cannot require that under the rules.

Further, the office will be closed until further notice so that the area may be deep-cleaned and sanitized pursuant to CDC guidelines. I suspect that the cleaning will take place this week so it's possible the office could be open on Monday, July 6, 2020. While the business of our firm is important, the health and well-being of everyone is our top priority and these measures need to be taken to prevent further exposure of this virus.

I will be in touch with each of you during this time to make sure everyone is doing okay.

Should you have any questions, please feel free to contact me directly at 281.451.8313.

Please stay safe out there and be careful!

Thank you.

**THIS MESSAGE MAY BE CONFIDENTIAL AND PRIVILEGED IF IT IS AN ATTORNEY/CLIENT COMMUNICATION (SEE BELOW).**

Kind regards,  
Clemetric R. Frazier

Managing Attorney  
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Status as of 07/15/2020 08:21:04 AM -05:00

Associated Case Party: Wilber Molina

Name	BarNumber	Email	TimestampSubmitted	Status
Derek Deyon		ddeyon@deyonlawgroup.com	7/15/2020 7:58:37 AM	SENT

Associated Case Party: Harris County District Attorney's Office

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel McCrory		mccrory_daniel@dao.hctx.net	7/15/2020 7:58:37 AM	SENT